

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Highfields Capital Ltd., Highfields)	
Capital I LP, Highfields Capital II LP,)	
)	
Plaintiff,)	Civil Action No. 04-10624 MLW
v.)	
)	
SCOR, S.A.)	
)	
Defendant.)	
)	

JOINT STATEMENT REGARDING SCHEDULING

The parties submit this Joint Statement pursuant to the Court's Notice of Scheduling Conference dated January 20, 2005.

1. Discovery Limitations

(a) Plaintiffs propose that the Court expand the discovery limits under the Local Rules and the Federal Rules of Civil Procedure so that each side may take 40 depositions. Defendant proposes that all discovery be stayed due to the pendency of litigation in Ireland. Plaintiffs oppose a stay of discovery and propose that automatic disclosure and discovery begin immediately. If discovery proceeds in this action, Defendant opposes any expansion of discovery limits. Otherwise, the parties propose that the discovery limits provided by the Local Rules and the Federal Rules of Civil Procedure apply. In addition, Defendant proposes that discovery limits imposed by the provisions of the Hague Convention on the Taking of Evidence Abroad in Civil and Commercial Matters ("Hague Convention") also apply. Plaintiffs intend to request that the Court require SCOR, and all parties and witnesses under its control, to comply with the Federal Rules of Civil Procedure with respect to discovery and refrain from using the Hague Convention to circumvent the Federal Rules. Plaintiffs will also seek the Court's

assistance in arranging for efficient discovery overseas, as it did in connection with its motion to effectuate service of the complaint through alternative means when the conventional method of service under the Hague Convention was delayed.

(b) As to the desirability of phased discovery, the parties do not believe that phasing is necessary.

2. Discovery and Scheduling Plan

Plaintiffs submit the following discovery plan and scheduling plan for the Court's consideration, assuming there is no stay of discovery.

- (a) Exchange of initial disclosures: March 11, 2005.
- (b) Completion of fact discovery: November 15, 2005.
- (c) Designation of expert(s) and disclosure by plaintiffs: December 15, 2005.
- (d) Designation of expert(s) and disclosure by defendant: January 15, 2006.
- (e) Completion of expert depositions: March 1, 2006.
- (f) Deadline for filing motions for summary judgment: April 15, 2006.
- (g) Deadline for responding to motions for summary judgment: June 1, 2006.
- (h) Final pre-trial conference: July 1, 2006.
- (i) Trial: August 1, 2006.

3. Certification of Counsel and Parties

Certification by the parties and their respective counsel pursuant to Local Rule 16.1(D)(3) shall be filed separately.

Plaintiffs Highfields Capital Ltd.,
Highfields Capital I LP, and Highfields
Capital II LP,

By their attorneys,

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Dated: February 18, 2005